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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SALINAS DIVISION

14 UNITED STATES OF AMERICA,) Criminal No.: CR-08-00126-HRL
15 Plaintiff,)
16 vs.) SECOND STIPULATION AND
17 Defendant.) [PROPOSED] ORDER EXCLUDING TIME

18 On June 2, 2008, the parties in this case appeared before the Court for a status hearing. The
19 parties jointly requested that the case be continued from June 2, 2008, until August 4, 2008 at
20 9:30 a.m., in order to allow time for defendant's counsel to prepare for the case. In addition, the
21 parties requested an exclusion of time under the Speedy Trial Act, from June 2, 2008 to August
22 4, 2008 at 9:30 a.m. The parties agree and stipulate that an exclusion of time is appropriate
23 based on the defendant's need for effective preparation of counsel.

1 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

4 DATED: 5 June 2008

/S/
ROBERT N. MICHAELS
Special Assistant United States Attorney

7 DATED:

/S/
NICK HUMY
Counsel for SANTILLAN

10 ORDER

11 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
12 under the Speedy Trial Act from June 2, 2008 to August 4, 2008. The Court finds, based on the
13 aforementioned reasons, that the ends of justice are served by granting the requested continuance
14 and outweigh the best interest of the public and the defendant in a speedy trial. The failure to
15 grant the requested continuance would deny defense counsel reasonable time necessary for
16 effective preparation, taking into account the exercise of due diligence, and would result in a
17 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
18 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

21 DATED:_____

HOWARD R. LLOYD
United States Magistrate Judge